

REMARKS

In accordance with the foregoing, the specification has been amended to improve form and provide improved correlation with the drawings and claims. Claims 32-36 have been cancelled, claims 11 and 21 have been amended, claims 45-46 have been added, and claims 1-32 and 37-46 are pending and under consideration. Support for the amended claims 11 and 21 may be found, for example, in paragraph [0042] of the specification. Furthermore, Applicants respectfully note that it is obvious to one of skill in the art that the variables k and n of claims 45 and 46, respectively, do not define frequency values that are unattainable. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 11-16 and 21-31 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed and overcome for at least the following reason.

The Examiner determines that higher values of the variable k in claim 11 and the variable n in claim 21 are not enabled by the specification. Accordingly, Applicants have amended the independent claims 11 and 21 such that the variables k and n are no longer included in the claims by specifying that the second frequency is less than the first frequency. Furthermore, Applicants note that claims 27-31 do not depend from the independent claim 21. Therefore, it is respectfully requested that the rejection is withdrawn.

Claim 21-31 is rejected under 35 U.S.C. §112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is traversed and overcome for at least the following reason.

The Examiner determines that there is insufficient antecedent basis for the limitation "n" in the independent claim 21. Applicants have amended the independent claim 21 such that the variable n is no longer included in the claim by specifying that the second frequency is less than the first frequency. Furthermore, Applicants note that claims 27-31 do not depend from the independent claim 21. Therefore, it is respectfully requested that the rejection is withdrawn.

REJECTIONS UNDER U.S.C. §101

Claim 32, rejected under 35 U.S.C. §101, has been cancelled. Therefore, the Applicants respectfully request that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 11, 12, and 21-23 are rejected under 35 U.S.C. §102(b) as being anticipated by Nagasawa et al., U.S. Patent 5,848,050. The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 11, it is noted that amended claim 1 recites first sections in which disc tracks are formed with a first frequency, and "at least one second section in which the disc tracks are formed using a second function having a second frequency, which is less than the first frequency." In particular, the relationship between the first frequency and the second frequency has been amended such that the $1/k$ difference has been removed. Accordingly, the rejection is moot. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claim 12, it is noted that this claim depends from claim 11 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 21, it is noted that amended claim 21 recites first sections in which disc tracks are formed with a frequency and second sections in which disc tracks are formed with a frequency, wherein "the frequency of the second function is less than the frequency of the first function." In particular, the relationship between the first frequency and the second frequency has been amended such that the $1/n$ difference has been removed. Accordingly, the rejection is moot. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claim 22, it is noted that this claim depends from claim 21 and is, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claim 23, it is noted that this claim depends from claim 22 and is, therefore, allowable for at least the reasons set forth above.

ALLOWABLE SUBJECT MATTER:

Claims 17-20 and 27-31 are allowable while claims 13-16 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 10/5/07

By: Hung H. Bui

Hung H. Bui
Registration No. 40,415

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510